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**From:** Cozad, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4A30A28BE6A74D3DA779BB7F7B34A876-COZAD, DAVID]  
**Sent:** 5/9/2017 4:30:43 PM  
**To:** Tomiak, Robert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e43d67fe354a4d06be80afa6eb65e614-Tomiak, Rob]; Starfield, Lawrence [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8a89d6cd217d4254a5879abecb3f314e-Starfield, Lawrence]  
**CC:** Knight, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=47fc4b0c90f94826a1d9a48381f4009f-Knight, Kel]; Marshall, Tom [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5d29134e5e32489b9ab0aeb262f55075-TMARSHAL]  
**Subject:** RE: Rosemont letter

Seems pretty clear to me that elevation is triggered:

“As reflected in the comments we have submitted and our lengthy history of correspondence related to this project, significant issues regarding the unmitigated environmental impacts of this project remain unresolved.”

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**From:** Tomiak, Robert  
**Sent:** Tuesday, May 9, 2017 12:03 PM  
**To:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Cc:** Knight, Kelly <knight.kelly@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>  
**Subject:** FW: Rosemont letter

R9 response below on intent to elevate to the political team. I think our team's assessment of R9's proposed letter is that it does trigger the elevation criteria (cited immediately below in my note back to Kathleen).

V/R, Rob

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**From:** Tomiak, Robert  
**Sent:** Tuesday, May 09, 2017 11:59 AM  
**To:** Johnson, Kathleen <Johnson.Kathleen@epa.gov>  
**Subject:** RE: Rosemont letter

OK, good to know. I think we had considered the following as potentially being triggered:

- A letter on a Final Environmental Impact Statement (FEIS) that characterizes a residual serious concern (and/or proposes or implies that a supplemental analysis might be required)

Larry intends to try to connect with Alexis sometime today to discuss/strategize.

Thanks, Rob

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**From:** Johnson, Kathleen  
**Sent:** Tuesday, May 09, 2017 11:43 AM  
**To:** Tomiak, Robert <tomiak.robert@epa.gov>  
**Subject:** RE: Rosemont letter

**Deliberative Process / Ex. 5**

Kathleen H. Johnson  
Director, Enforcement Division  
U.S. EPA - Region 9  
75 Hawthorne Street ENF-1  
San Francisco, CA 94015  
415/972-3873  
[johnson.kathleen@epa.gov](mailto:johnson.kathleen@epa.gov)

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**From:** Tomiak, Robert  
**Sent:** Tuesday, May 9, 2017 2:11 AM  
**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>  
**Subject:** Re: Rosemont letter

Thank you; how/when do you envision briefing the political team, and do you want us to help set that up (after advance coord between Larry and Alexis). Or are you still thinking Alexis could send this without elevation?

Rob

On May 8, 2017, at 7:43 PM, Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)> wrote:

# Deliberative Process / Ex. 5

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